

Notice of Allowability

Application No.

09/870,620

Applicant(s)

BROUSSARD, SCOTT J.

Examiner

DENNIS G. BONSHOCK

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Board decision of 3-31-2008.
2. ☒ The allowed claim(s) is/are 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jennifer Fisher, speaking for Kevin Daffer on 7-30-08.

The application has been amended as follows:

Replace claim 17 with

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17. *A computer-readable storage medium, comprising:*

a first software component adapted to create a graphical representation of an object embodied as code within the software component, wherein the code comprises text and other displayable content;

an application program running under an operating system; and

a second software component adapted for drawing the text, wherein the first software component is invoked during runtime by the application program to define visual attributes of the text, but not to draw the text, and wherein the second software component is invoked to draw the text using the visual attributes;

a peer component adapted for redirecting a memory call to invoke text drawing methods of the second software component rather than text drawing methods of the first software component; and

wherein the first software component is used for drawing the graphical representation of the object on the display screen, and wherein the second software component is used for drawing the text upon the graphical representation of the object.

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Applicant's Representative agreed to cancel claims 1-16.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The examiner considered the Decision on Appeal rendered March 31, 2008 and after updated search, no other prior art of record has taught that which was presented in the claims.
3. Therefore, claim 17 is allowable.

-the Board sustained the rejection of claims 1-16, and were thereafter agreed to be canceled by Jennifer Fisher, speaking for Kevin Daffer
4. Dependent claim 17 when considered as a whole, is allowable over the prior art of record (Nelson). Nelson teaches, a software component that creates a graphical representation of a object, where a graphical representation is rendered, comprising text and other displayable content (see page 694 and 697), an application program creating a graphical representation under an operating system (see page 20 paragraph 1 and page 39), a second software component adapted for drawing text (see page 472), and this second software invoked to draw text using only visual attributes, i.e. static text (see page 472). Nelson further teaches on

page 78, UI class having separate groups of code to get the look-and-feel, and to draw the text, it teaches a UI class that doesn't know what the text control contains or what the contents should look like, but uses `getDocument()` or `getStyledDocument()` methods. Nelson teaches, on page 694, a graphical representation of the text, and further teaches on page 472, and on page 78, a second software component used to draw the text defined by another software component. Nelson teaches, on pages 694, 697, 472, and on page 72, a system for drawing text where one component can define attributes of an item and the actual displaying of the item can be implemented by another item. However, specifically the prior art of record fails to clearly teach or support the limitations of *a peer component adapted for redirecting a memory call to invoke text drawing methods of the second software component rather than text drawing methods of the first software component*, as stated by the Board of Patent Appeals and Interferences, in the decision mailed 3-31-2008.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS G. BONSHOCK whose telephone number is (571)272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis G. Bonshock/
Examiner, Art Unit 2173
7-30-08
dgb